
A BILL FOR AN ACT

RELATING TO AFFORDABLE HOUSING ON HAWAIIAN HOME LANDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 46-15.1, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Each county shall recognize housing units developed
4 by the department of Hawaiian home lands and issue affordable
5 housing credits to the department of Hawaiian home lands [with
6 ~~respect to existing and future Hawaiian home lands projects upon~~
7 ~~a request for such credits by the department of Hawaiian home~~
8 ~~lands]~~. The credits shall be transferable and shall be issued
9 on a [~~one-unit~~] one-credit for one-unit basis[~~-~~], unless the
10 housing unit is eligible for additional credits as provided by
11 adopted county ordinances, rules, or any memoranda of agreement
12 between a county and the department of Hawaiian home lands. In
13 the event that credits are transferred by the department of
14 Hawaiian home lands, twenty-five per cent of the revenue from
15 the transfer shall be used by the department of Hawaiian home
16 lands to develop units for rental properties. Credits shall be
17 issued for each single-family residence, multi-family unit,
18 other residential unit, whether for purposes of sale or rental,



1 or if allowed under the county's affordable housing programs,
2 vacant lot, developed by the department of Hawaiian home lands.
3 The credits may be applied county-wide within the same county in
4 which the credits were earned to satisfy affordable housing
5 obligations imposed by the county on [~~market-priced~~] market-
6 priced residential and non-residential developments. County-
7 wide or project-specific requirements for [~~the location of~~
8 ~~affordable housing units,~~] housing class, use, or type; or
9 construction time[~~;- or other county requirements~~] for affordable
10 housing units shall not impair, restrict, or condition the
11 county's obligation to apply the credits in full satisfaction of
12 all county requirements, whether by rule, ordinance, or
13 particular zoning conditions of a project. Notwithstanding any
14 provisions herein to the contrary, the department and the
15 respective counties may enter into a memorandum of agreement to
16 establish, modify, or clarify the conditions for the issuance,
17 transfer, and redemption of the affordable housing credits in
18 accordance with county affordable housing ordinances or rules;
19 provided that at least half of the affordable housing credits
20 issued by the city and county of Honolulu shall be subject to a
21 memorandum of agreement to establish, modify, or clarify the



1 conditions for the issuance, transfer, and redemption of the
2 affordable housing credits in accordance with the city and
3 county of Honolulu's affordable housing ordinances or rules.

4 For purposes of this section, "affordable housing
5 obligation" means the requirement imposed by a county,
6 regardless of the date of its imposition, to develop vacant
7 lots, single-family residences, multi-family residences, or any
8 other type of residence for sale or rent to individuals within a
9 specified income range."

10 SECTION 2. Nothing in this Act shall amend the terms and
11 conditions agreed to by the department of Hawaiian home lands
12 and any county for any affordable housing credits already issued
13 to the department of Hawaiian home lands prior to the effective
14 date of this Act.

15 SECTION 3. Act 141, Session Laws of Hawaii 2009, is
16 amended by amending section 3 to read as follows:

17 "SECTION 3. This Act shall take effect on July 1, 2009[+
18 ~~provided that on June 30, 2015, this Act shall be repealed and~~
19 ~~section 46-15.1, Hawaii Revised Statutes, shall be reenacted in~~
20 ~~the form in which it read on the day before the approval of this~~
21 ~~Act] . "~~



1 SECTION 4. Act 98, Session Laws of Hawaii 2012, is amended
2 by amending section 3 to read as follows:

3 "SECTION 3. This Act shall take effect upon its approval
4 ~~[, and shall be repealed on June 30, 2015; provided that section~~
5 ~~46-15.1(b), Hawaii Revised Statutes, shall be reenacted pursuant~~
6 ~~to section 3 of Act 141, Session Laws of Hawaii 2009]~~."

7 SECTION 5. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 6. This Act shall take effect on June 29, 2050.



Report Title:

Hawaiian Home Lands; Affordable Housing Credits

Description:

Requires that twenty-five per cent of proceeds from the transfer of credits be used by the Department of Hawaiian Home Lands to develop rentals. Requires that fifty per cent of credits issued to the Department of Hawaiian Home Lands by the City and County of Honolulu shall be subject to a memorandum of agreement.

Makes permanent the provisions for affordable housing credits for affordable housing developed on Hawaiian home lands.

Effective date 6/29/2050. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

